



**ARIZONA STATE SENATE**  
*Fifty-Second Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1004

garden produce; regulatory exemption

Purpose

Provides an exemption from rules for whole fruit and vegetables washed and cut on-site for immediate consumption at a public or private school facility or postsecondary educational institution.

Background

Statute currently directs the Department of Health Services (DHS) to provide an exemption for whole fruits and vegetables offered at a child care facility that are washed and cut on site for immediate consumption (A.R.S. § 36-136).

The county Board of Supervisors is responsible for creating procedures for the adoption, amendment, repeal and enforcement of rules offered by a county department, agency or other unit of county government. A *rule* means a county statement of general applicability that implements, interprets or prescribes law or policy, including prescribing fees (A.R.S. § 11-251.18).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Exempts any rule adopted by a county department, agency or unit of county government related to the processing, storage and handling of whole fruit or vegetable if the whole fruit or vegetable meets any of the following:
  - a) washed and cut on-site for immediate consumption at a public or private school facility or postsecondary educational institution;
  - b) grown in a home garden, public school garden, food establishment garden or community garden; or
  - c) offered for commercial or noncommercial purposes at a farmers market.
2. Stipulates the responsible party must keep a signed attestation that producer of the whole fruit or vegetable has read and is following standard operating procedures recommended by the Department of Health Services for school and community gardens.

3. Directs the DHS to provide an exemption from rules for any of the following:
  - a) commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables washed and cut on site for immediate consumption offered at a public or private school facility or postsecondary educational institution;
  - b) a whole fruit or vegetable grown in a home garden, public school garden, food establishment garden or community garden; or
  - c) a whole fruit or vegetable offered for commercial or noncommercial purposes at a farmers market.
4. Makes technical changes.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Requires the responsible party keep a signed attestation that producer of the whole fruit or vegetable has read and is following standard operating procedures recommended by the Department of Health Services for school and community gardens.

Senate Action

GOV            2/10/16    DPA    7-0-0

Prepared by Senate Research

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RH/rf